

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 UNITED STATES OF AMERICA,

6 Plaintiff,

Case No. 11-20365

7 -vs-

8 Detroit, Michigan

9 SURYA NALLANI,

January 7, 2016

10 Defendant.
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13 TRANSCRIPT OF PLEA HEARING
14 BEFORE THE HONORABLE VICTORIA A. ROBERTS
15 UNITED STATES DISTRICT COURT JUDGE
16

17 APPEARANCES:

18 For the Government:

Philip A. Ross
U.S. Attorney's Office
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21 For the Defendant:

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24 Proceedings taken by mechanical stenography, transcript produced by
25 computer-aided transcription

1 Detroit, Michigan

2 Thursday, January 7, 2016

3 (At about 2:00 p.m.)

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5 (Call to Order of the Court)

6 THE CLERK OF THE COURT: The Court calls the case of United
7 States of America versus Surya Nallani, case number 11-20365. Counsel, please
8 state your appearances for the record.

9 MR. ROSS: Good afternoon, Your Honor. Phillip Ross and Michael
10 Easters (phonetic) on behalf of the United States.

11 THE COURT: Good afternoon.

12 MR. DONNINI: Good afternoon, Your Honor, and happy new year.
13 George Donnini and Joe Richotte appearing on behalf of Dr. Nallani who's also
14 present.

15 THE COURT: Good afternoon. You can take your seats. Are we here
16 to take a plea today, Dr. Nallani?

17 DR. NALLANI: Yes.

18 THE COURT: We are?

19 DR. NALLANI: Yes.

20 THE COURT: Really? Okay, then we will proceed. Is it the same Rule
21 11 Plea Agreement?

22 MR. ROSS: Yes, Your Honor.

23 THE COURT: So, Dr. Nallani, we've attempted to do this on two
24 different occasions; the last was October 15th and the first time was on August 31st.
25 So you remember.

1 DR. NALLANI: Yes.

2 THE COURT: Yes. And you were under oath and we're going to place
3 you under oath again right now.

4 THE CLERK OF THE COURT: Raise your right hand please.

5 **SURYA NALLANI, DEFENDANT, SWORN UNDER OATH AT ABOUT 2:02 P.M.**

6 THE COURT: Dr. Nallani, the Government has offered you a Rule 11
7 Plea Agreement which allows you to enter a guilty plea to Money Laundering, correct?

8 DR. NALLANI: Yes.

9 THE COURT: And have you had discussions with your Counsel since
10 we were -- well, we were last here in November to make certain that -- that was after it
11 seemed clear that you were not going to plead guilty and we wanted to make certain
12 that you were indeed rejecting the Government's Plea Agreement and we needed to
13 make certain that you understood in doing that that you were going to be going
14 forward with the trial and going forward on trial -- on all of the Counts of the Indictment
15 against you. That was the acknowledgment that you entered into. We had some
16 speedy trial discussion then as well.

17 So since you were here on November 5th, you've changed your mind and you
18 don't want to go to trial on all the charges and you want to plead guilty just to Money
19 Laundering?

20 DR. NALLANI: Yes.

21 THE COURT: Okay. I think we got stuck last time when I think, Mr.
22 Donnini, you had done some questioning and then I think it was not sufficient. Mr.
23 Neal was here and took over some questioning. So how do you -- what do you think
24 is the best way to try to get this on record today?

25 MR. DONNINI: Your Honor, I believe and we should start with allowing

1 Dr. Nallani to tell you -- explain to you in her words why it is that she's guilty of this
2 offense and then if there's any -- if she falls short in any way then I can follow-up with
3 some targeted questions and if the Government is satisfied with that and obviously if
4 Your Honor is satisfied with that, then we'll be able to get through it and I think that's
5 the best way.

6 THE COURT: Okay, thank you. So, Dr. Nallani, we can proceed that
7 way, but in doing that, what I need to hear from you is that there was some money in
8 a bank account that you had access to and you knew that all of the money in that
9 account had not been come by lawfully and that you withdrew that money
10 nonetheless. That's what I have to hear from you. Do you understand?

11 DR. NALLANI: Yes.

12 THE COURT: So you can proceed as Mr. Donnini has outlined.

13 DR. NALLANI: First of all, thank you and the Government for giving me
14 another chance. I truly appreciate that.

15 I had a bank account. I had money in the account. As of February 18, 2011, I
16 withdrew 162,000. I had reason to believe or to suspect that my husband was not
17 doing billing properly because one of the nurse practitioners did question me about a
18 billing issue. I did ask questions to my husband who was doing the billing and
19 questioned multiple occasions and I took his answers at face value mainly because I
20 wanted to avoid confrontations because of the domestic issues at home.

21 MR. DONNINI: And, Your Honor, I think it maybe a couple questions.
22 So you're aware that your husband billed Medicare improperly, is that true?

23 DR. NALLANI: Yes.

24 MR. DONNINI: You're aware of that or had reason to believe that as of
25 February 18, 2011?

1 DR. NALLANI: Yes.

2 MR. DONNINI: And are you also aware that as a result of those
3 improper billings there was money in this AGS bank account that should not have
4 been there, correct?

5 DR. NALLANI: Yes.

6 MR. DONNINI: But you withdrew money at that time nonetheless?

7 DR. NALLANI: Yes.

8 MR. DONNINI: Your Honor, I believe we've satisfied the elements, but
9 Mr. Ross may have questions.

10 MR. ROSS: Dr. Nallani, is it your testimony that the money in the
11 account, the AGS account was from the improper billings? Some portion of that was
12 from the improper billings?

13 DR. NALLANI: Yes.

14 MR. ROSS: Is that a yes?

15 DR. NALLANI: Yes.

16 MR. ROSS: The Government is satisfied.

17 THE COURT: The Court is satisfied as well that Dr. Nallani has
18 established a factual basis for this plea to a charge of Money Laundering. The Court
19 does believe that Dr. Nallani is competent to enter this guilty plea. The Court believes
20 that she understands all of the rights that she is losing as a result of pleading guilty,
21 and the Court believes that she's doing this of her free will. So for all of those
22 reasons, Dr. Nallani, the Court is going to accept your plea of guilty.

23 Counsel, have you gone to Probation yet?

24 MR. DONNINI: No, Your Honor.

25 THE COURT: So I think Miss Pinegar has already made the referral to

1 Probation. Dr. Nallani, you will be going with your lawyers to the Probation
2 Department and they will prepare a Presentence Investigation Report. That report is
3 going to have information in it about you, about your family, about your husband,
4 about this crime that you've pled guilty to and it's very important that you cooperate in
5 its preparation, and it needs to be as accurate as possible by the time the Court
6 imposes sentence. So once it's done, Mr. Richotte and Mr. Donnini will go over it with
7 you and you need to let them know if there's anything in it that isn't accurate or if
8 there's anything in it that should be in it that isn't so that by the time the Court
9 sentences you I do have as accurate a report as possible. Once I have that and I go
10 over it, if I'm satisfied that this Rule 11 Agreement that you've entered into with the
11 Government is a reasonable one, then I will accept your Rule 11 Plea Agreement as
12 well. But if I don't believe that the Rule 11 is reasonable in light of the information that
13 will be in that Presentence Investigation Report, you will have an opportunity to
14 withdraw your guilty plea and you will have an opportunity to go forward and have a
15 trial and exercise all of the rights that we went over back in August when we first
16 started this. Do you understand?

17 DR. NALLANI: Yes.

18 THE COURT: Dr. Nallani, do you have any questions about what we
19 have done here today?

20 DR. NALLANI: No.

21 THE COURT: Counsel, do you have any questions?

22 MR. DONNINI: No, Your Honor. Thank you very much.

23 MR. ROSS: Thank you.

24 THE COURT: Are you satisfied that the Court has complied with the
25 rules in considering and accepting this guilty plea?

1 MR. ROSS: The Government is, Your Honor, yes. Thank you.

2 MR. DONNINI: I certainly am. Thank you.

3 THE COURT: We do have a date for your sentencing, Dr. Nallani.

4 THE CLERK OF THE COURT: Yes. It's June 1st, 2016 at two p.m.

5 THE COURT: If there isn't anything further, then we are adjourned.

6 MR. ROSS: Thank you, Your Honor.

7 MR. DONNINI: Thank you.

8 (Proceedings adjourned at about 2:08 p.m.)

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10 COURT REPORTER'S CERTIFICATION

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12
13 STATE OF MICHIGAN)

14) SS.

15 COUNTY OF WAYNE)

16
17 I, Janice Coleman, Federal Official Court Reporter, in and
18 for the United States District Court for the Eastern District
19 of Michigan, do hereby certify that pursuant to Section 753,
20 Title 28, United States Code, that the foregoing is a true and
21 correct transcript of the stenographically reported proceedings
22 held in this matter and that the transcript page format is in
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